1	AN ACT relating to the protection of children.
2	Be it enacted by the General Assembly of the Commonwealth of Kentucky:
3	→SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
4	READ AS FOLLOWS:
5	As used in Sections 1 to 5 of this Act:
6	(1) "Cross-sex hormones" means testosterone, estrogen, or other androgens given to
7	a person in amounts that are larger or more potent than would normally occur
8	naturally in a healthy person of the same age and sex;
9	(2) "Gender" means the psychological, behavioral, social, and cultural aspects of
10	being a person whose sex is male or female;
11	(3) "Gender-affirming care" includes treatments by health care providers that
12	support a gender transition;
13	(4) "Gender reassignment surgery" means any service that seeks to surgically alte
14	or remove physical or anatomical characteristics or features that are typical for o
15	person's sex in order to instill or create physiological or anatomica
16	characteristics that resemble a different sex, including but not limited to genita
17	or nongenital gender reassignment surgery performed for the purpose o
18	assisting a person with a gender transition;
19	(5) "Gender transition" means the process in which a person goes from identifying
20	with and living as a gender that corresponds to his or her sex to identifying with
21	and living as a different gender and may involve social, legal, or physical
22	changes;
23	(6) (a) "Gender transition services" means any service provided or performed by a
24	health care provider for the purpose of assisting a person with a gende
25	transition. Gender transition services include:
26	1. Inpatient and outpatient hospital services;
27	2. Prescribing or dispensing puberty-blocking drugs;

1			3. Prescribing or dispensing cross-sex hormones;
2			4. Genital gender reassignment surgery; and
3			5. Nongenital gender reassignment surgery.
4		<u>(b)</u>	"Gender transition services" do not include:
5			1. Services to persons born with a medically verifiable disorder of sex
6			development, including a person with external sex characteristics that
7			are irresolvably ambiguous, such as those born with forty-six (46) XX
8			chromosomes with virilization, forty-six (46) XY chromosomes with
9			undervirilization, or having both ovarian and testicular tissue;
10			2. Services provided to a person diagnosed by a physician after genetic or
11			biochemical testing as having a disorder of sexual development caused
12			by an abnormal sex chromosome structure, sex steroid production, or
13			sex steroid hormone action;
14			3. The acute and chronic treatment of any infection, injury, disease, or
15			disorder that has been caused by or exacerbated by the performance of
16			a gender transition service, whether or not the gender transition
17			service was performed in accordance with state and federal law or
18			whether or not funding for the gender transition procedure is
19			permissible under Sections 1 to 5, 6, and 8 of this Act;
20			4. Services of a health care provider performed for the purpose of
21			tapering and discontinuing the use of puberty-blocking drugs and
22			cross-sex hormones prescribed to a person under the age of eighteen
23			(18) years; or
24			5. Mental health services that address a person's sex or gender but that
25			do not promote gender transition;
26	<u>(7)</u>	''Ger	nital gender reassignment surgery" means a medical procedure performed
27		for t	he purpose of assisting a person with a gender transition, including but not

1		<u>limi</u>	ted to surgical services such as:
2		<u>(a)</u>	Surgeries that sterilize, including castration, vasectomy, hysterectomy,
3			oophorectomy, orchiectomy, and penectomy; and
4		<u>(b)</u>	Surgeries that artificially construct tissue with the appearance of genitalia
5			that differs from the individual's sex, including metoidioplasty, phalloplasty,
6			and vaginoplasty;
7	<u>(8)</u>	''He	valth care provider'' means a:
8		<u>(a)</u>	Health facility or service required to be licensed under KRS Chapter 216B;
9		<u>(b)</u>	Physician, osteopath, or podiatrist licensed under KRS Chapter 311;
10		<u>(c)</u>	Physician assistant regulated under KRS Chapter 311;
11		<u>(d)</u>	Advanced practice registered nurse (APRN), licensed practical nurse (LPN),
12			or registered nurse (RN) licensed under KRS Chapter 314;
13		<u>(e)</u>	Pharmacist and all sites or persons that are required to obtain a license,
14			certificate, or permit from the Board of Pharmacy under KRS Chapter 315;
15			<u>and</u>
16		<u>(f)</u>	Pharmaceutical companies; manufacturers and distributors of puberty-
17			blocking drugs or cross-sex hormones as defined in this section; or any
18			other person or entity that dispenses, prescribes, or distributes such puberty-
19			blocking drugs or cross-sex hormones via courier, delivery, or mail service
20			for use by a person in the Commonwealth under the age of eighteen (18)
21			<u>year;</u>
22	<u>(9)</u>	''No	ngenital gender reassignment surgery" means medical services performed
23		for t	the purpose of assisting a person with a gender transition, including but not
24		<u>limi</u>	ted to augmentation mammoplasty, subcutaneous mastectomy, liposuction,
25		<u>lipoj</u>	filling, thyroid cartilage reduction, gluteal augmentation, pectoral implants,
26		<u>hair</u>	reconstruction, or various aesthetic services;
27	(10)	''Pu	berty-blocking drugs" means gonadotropin-releasing hormone analogues or

1	other synthetic drugs used to stop luteinizing hormone and follicle stimulating
2	hormone secretion, synthetic antiandrogen drugs used to block the androgen
3	receptor, or any other drug used to delay or suppress pubertal development in
4	persons under the age of eighteen (18) years for the purpose of assisting those
5	persons with a gender transition;
6	(11) "Public funds" means any money, regardless of the original source of the money,
7	<u>of:</u>
8	(a) The Commonwealth of Kentucky, and any department, agency, or
9	instrumentality thereof;
10	(b) Any county, city, special district, and any department, agency, or
11	instrumentality thereof; and
12	(c) Any other political subdivision of the Commonwealth, and any department,
13	agency, or instrumentality thereof; and
14	(12) "Sex" means the biological state of being male or female based on a person's
15	chromosomes, in the absence of any of the medically verifiable disorders
16	described in subsection (6)(b) of this section.
17	→SECTION 2. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
18	READ AS FOLLOWS:
19	(1) The provision of one (1) or more gender transition services to a person under the
20	age of eighteen (18) years by a health care provider is unethical and
21	unprofessional conduct that establishes the provider is unfit to perform the duties
22	and discharge the responsibilities of his or her position or occupation.
23	(2) All licensing or certifying agencies for health care providers in accordance with
24	each agency's disciplinary and hearing process, shall:
25	(a) Investigate any report that a provider it licenses or certifies has provided
26	gender transition services to a person under the age of eighteen (18) years;
27	<u>and</u>

1	(b) Revoke the provider's licensure or certification if a report made under this
2	subsection is confirmed.
3	(3) A state, county, city, local government, special district, or any department,
4	agency, or instrumentality thereof, in accordance with each entity's disciplinary
5	and hearing process, shall:
6	(a) Investigate any report that a publicly funded health care provider has
7	rendered gender transition services to a person under the age of eighteen
8	(18) years; and
9	(b) Terminate the public funding of a health care provider if a report made
10	under this subsection is confirmed.
11	(4) A state, county, city, local government, special district, or any department,
12	agency, instrumentality thereof, shall terminate public funding for a health care
13	provider if the provider's licensure or certification is revoked under subsection
14	(2) of this section.
15	(5) This section shall constitute a complete defense to any and all claims, demands,
16	damages, actions, state judicial or administrative proceedings, or professional
17	licensing or disciplinary proceedings based on the refusal by a health care
18	provider to provide gender transition services to a person under the age of
19	eighteen (18) years.
20	→SECTION 3. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
21	READ AS FOLLOWS:
22	(1) Notwithstanding any other provision of the law to the contrary, including KRS
23	214.185, health care providers that engage in the following activities shall be
24	jointly and severally liable for all damages and costs sustained by reason thereof:
25	(a) Providing gender transition services for a person under the age of eighteen
26	(18) years; or
27	(b) Dispensing, prescribing, or distributing any puberty-blocking drugs or

1		cross-sex hormones for the purpose of assisting a person under the age of
2		eighteen (18) years with gender transitioning.
3	<u>(2)</u>	This section shall constitute a complete defense to any and all claims, demands,
4		damages, actions, state judicial or administrative proceedings, or professional
5		licensing or disciplinary proceedings based on the refusal by a health care
6		provider to provide gender transition services to a person under the age of
7		eighteen (18) years.
8	<u>(3)</u>	Notwithstanding any other provision of the law to the contrary, including KRS
9		214.185, if any act in subsection (1) of this section results in personal injury, an
10		action may be brought by the person's parent or guardian before the person
11		attains the age of eighteen (18) years and may be brought by the person within
12		thirty (30) years after attaining the age of eighteen (18) years, except that:
13		(a) If, at the time the person attains the age of eighteen (18) years, he or she is
14		under other legal disability, the limitation period shall not begin to run until
15		the removal of the disability; and
16		(b) If, during any period of time, the person is subject to threats, intimidation,
17		manipulation, fraudulent concealment, or fraud perpetrated by the health
18		care provider who prescribed or otherwise provided gender transition
19		services or by any person acting in the interest of the health care provider,
20		the limitation period shall not run during this time period.
21	<u>(4)</u>	The right of action for personal injury under this section shall not cease or die
22		with the person injuring or the person injured. An action may be brought or
23		revived under this section by the personal representative or against the personal
24		representative, heir, or devisee.
25	<u>(5)</u>	In an action brought under this section:
26		(a) If the plaintiff prevails, he or she shall be entitled to reasonable costs and
27		attorney's fees;

1	(b) Compensatory damages may be awardable, including but not limited to:
2	1. Pain and suffering;
3	2. Loss of reputation;
4	3. Loss of income;
5	4. Loss of consortium between spouses;
6	5. Loss of consortium between parent and child; and
7	6. Loss of enjoyment of life, including the expectation or experience of
8	biological parenthood; and
9	(c) Injunctive, declaratory, punitive, and any other appropriate relief may be
10	<u>awarded.</u>
11	(6) Notwithstanding any other provision of law to the contrary, an action under this
12	section may be commenced and relief may be granted in a judicial proceeding
13	without regard to whether anyone commencing the action has sought or
14	exhausted available contractual or administrative remedies.
15	(7) Nothing in this section shall be construed as precluding legal action under any
16	other applicable statute.
17	(8) Qualified official immunity to suit and from liability are waived to the extent of
18	liability created by this section.
19	→ SECTION 4. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
20	READ AS FOLLOWS:
21	(1) Public funds shall not be directly or indirectly used, granted, paid, or distributed
22	for gender transition services to persons under the age of eighteen (18) years.
23	(2) Gender transition services shall not be provided to persons under the age of
24	eighteen (18) years by a health care provider owned, operated, or employed,
25	directly or indirectly, by the state, county, city, local government, special district,
26	or any department, agency, or employee or instrumentality thereof.
27	→ SECTION 5. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO

1	READ AS FOLLOWS:
2	(1) The Attorney General may bring an action to enforce compliance with Section 2,
3	3, 4, 6, 7, 9, 11, 12, 13, or subsection (23) of Section 8 of this Act.
4	(2) Nothing in Section 2, 3, 4, 6, 7, 9, 11, 12, 13, or subsection (23) of Section 8 of
5	this Act shall deny, impair, or otherwise affect any right or authority of the
6	Attorney General, the Commonwealth of Kentucky, or any agency, officer, or
7	employee of the state, acting under any law other than this section, to institute or
8	intervene in any proceeding.
9	(3) No health care provider owned, operated, or employed, directly or indirectly, by
10	the state, county, city, local government, special district, or instrumentality
11	thereof, shall intervene in a legal proceeding brought to challenge Section 2, 3, 4,
12	6, 7, 9, 11, 12, 13, or subsection (23) of Section 8 of this Act.
13	→SECTION 6. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
14	READ AS FOLLOWS:
15	The Department for Medicaid Services and any managed care organization contracted
16	to provide Medicaid or Kentucky Children's Health Insurance Program benefits
17	pursuant to this chapter shall not reimburse or provide benefits or coverage for gender
18	transition services as defined in Section 1 of this Act for persons under the age of
19	eighteen (18) years.
20	→SECTION 7. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 304
21	IS CREATED TO READ AS FOLLOWS:
22	(1) As used in this section:
23	(a) "Gender transition services" has the same meaning as in Section 1 of this
24	Act; and
25	(b) "Insurer" includes any nongovernmental self-insurer, self-insured plan,
26	self-insured group, or other entity that reimburses or provides benefits or
2.7	coverage for health care services.

1	<u>(2)</u>	To the extent permitted under federal law:
2		(a) If an insurer elects to reimburse or provide benefits or coverage for gender
3		transition services for persons under the age of eighteen (18) years, the
4		insurer shall:
5		1. Be jointly and severally liable for damages sustained as a result of the
6		gender transition services, notwithstanding any other provision of law
7		to the contrary, including KRS 214.185; and
8		2. Not require an insured or any other party to submit to arbitration a
9		claim under subparagraph 1. of this paragraph; and
10		(b) Any contractual arbitration clause contained in a policy, plan, certificate, or
11		contract that is in violation of this subsection shall be void and
12		unenforceable.
13	<u>(3)</u>	Notwithstanding any other provision of the law to the contrary, including KRS
14		214.185, and to the extent permitted under federal law, if any act in subsection (2)
15		of this section results in personal injury, an action may be brought in the same
16		manner as the cause of action authorized in subsections (3) to (7) of Section 3 of
17		this Act.
18		→ Section 8. KRS 18A.225 is amended to read as follows:
19	(1)	(a) The term "employee" for purposes of this section means:
20		1. Any person, including an elected public official, who is regularly
21		employed by any department, office, board, agency, or branch of state
22		government; or by a public postsecondary educational institution; or by
23		any city, urban-county, charter county, county, or consolidated local
24		government, whose legislative body has opted to participate in the state-
25		sponsored health insurance program pursuant to KRS 79.080; and who
26		is either a contributing member to any one (1) of the retirement systems
27		administered by the state, including but not limited to the Kentucky

Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, or the Judicial Retirement Plan; or is receiving a contractual contribution from the state toward a retirement plan; or, in the case of a public postsecondary education institution, is an individual participating in an optional retirement plan authorized by KRS 161.567; or is eligible to participate in a retirement plan established by an employer who ceases participating in the Kentucky Employees Retirement System pursuant to KRS 61.522 whose employees participated in the health insurance plans administered by the Personnel Cabinet prior to the employer's effective cessation date in the Kentucky Employees Retirement System;

- 2. Any certified or classified employee of a local board of education or a public charter school as defined in KRS 160.1590;
- 3. Any elected member of a local board of education;
- 4. Any person who is a present or future recipient of a retirement allowance from the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, the Judicial Retirement Plan, or the Kentucky Community and Technical College System's optional retirement plan authorized by KRS 161.567, except that a person who is receiving a retirement allowance and who is age sixty-five (65) or older shall not be included, with the exception of persons covered under KRS 61.702(2)(b)3. and 78.5536(2)(b)3., unless he or she is actively employed pursuant to subparagraph 1. of this paragraph; and
- Any eligible dependents and beneficiaries of participating employees and retirees who are entitled to participate in the state-sponsored health insurance program;

1 (b) The term "health benefit plan" for the purposes of this section means a health 2 benefit plan as defined in KRS 304.17A-005;

- (c) The term "insurer" for the purposes of this section means an insurer as defined in KRS 304.17A-005; and
- 5 (d) The term "managed care plan" for the purposes of this section means a managed care plan as defined in KRS 304.17A-500.
  - The secretary of the Finance and Administration Cabinet, upon the (a) recommendation of the secretary of the Personnel Cabinet, shall procure, in compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090, from one (1) or more insurers authorized to do business in this state, a group health benefit plan that may include but not be limited to health maintenance organization (HMO), preferred provider organization (PPO), point of service and exclusive provider organization (EPO) benefit plans (POS), encompassing all or any class or classes of employees. With the exception of employers governed by the provisions of KRS Chapters 16, 18A, and 151B, all employers of any class of employees or former employees shall enter into a contract with the Personnel Cabinet prior to including that group in the state health insurance group. The contracts shall include but not be limited to designating the entity responsible for filing any federal forms, adoption of policies required for proper plan administration, acceptance of the contractual provisions with health insurance carriers or third-party administrators, and adoption of the payment and reimbursement methods necessary for efficient administration of the health insurance program. Health insurance coverage provided to state employees under this section shall, at a minimum, contain the same benefits as provided under Kentucky Kare Standard as of January 1, 1994, and shall include a mail-order drug option as provided in subsection (13) of this section. All employees and other persons for whom the health care

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coverage is provided or made available shall annually be given an option to elect health care coverage through a self-funded plan offered by the Commonwealth or, if a self-funded plan is not available, from a list of coverage options determined by the competitive bid process under the provisions of KRS 45A.080, 45A.085, and 45A.090 and made available during annual open enrollment.

- (b) The policy or policies shall be approved by the commissioner of insurance and may contain the provisions the commissioner of insurance approves, whether or not otherwise permitted by the insurance laws.
- (c) Any carrier bidding to offer health care coverage to employees shall agree to provide coverage to all members of the state group, including active employees and retirees and their eligible covered dependents and beneficiaries, within the county or counties specified in its bid. Except as provided in subsection (20) of this section, any carrier bidding to offer health care coverage to employees shall also agree to rate all employees as a single entity, except for those retirees whose former employers insure their active employees outside the state-sponsored health insurance program and as otherwise provided in KRS 61.702(2)(b)3.b. and 78.5536(2)(b)3.b.
- (d) Any carrier bidding to offer health care coverage to employees shall agree to provide enrollment, claims, and utilization data to the Commonwealth in a format specified by the Personnel Cabinet with the understanding that the data shall be owned by the Commonwealth; to provide data in an electronic form and within a time frame specified by the Personnel Cabinet; and to be subject to penalties for noncompliance with data reporting requirements as specified by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions to protect the confidentiality of each individual employee; however, confidentiality assertions shall not relieve a carrier from the requirement of

providing stipulated data to the Commonwealth.

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The Personnel Cabinet shall develop the necessary techniques and capabilities (e) for timely analysis of data received from carriers and, to the extent possible, provide in the request-for-proposal specifics relating to data requirements, electronic reporting, and penalties for noncompliance. The Commonwealth shall own the enrollment, claims, and utilization data provided by each carrier and shall develop methods to protect the confidentiality of the individual. The Personnel Cabinet shall include in the October annual report submitted pursuant to the provisions of KRS 18A.226 to the Governor, the General Assembly, and the Chief Justice of the Supreme Court, an analysis of the financial stability of the program, which shall include but not be limited to loss ratios, methods of risk adjustment, measurements of carrier quality of service, prescription coverage and cost management, and statutorily required mandates. If state self-insurance was available as a carrier option, the report also shall provide a detailed financial analysis of the self-insurance fund including but not limited to loss ratios, reserves, and reinsurance agreements.

- (f) If any agency participating in the state-sponsored employee health insurance program for its active employees terminates participation and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, then neither the agency nor the employees shall receive the state-funded contribution after termination from the state-sponsored employee health insurance program.
- (g) Any funds in flexible spending accounts that remain after all reimbursements have been processed shall be transferred to the credit of the state-sponsored health insurance plan's appropriation account.
- (h) Each entity participating in the state-sponsored health insurance program shall provide an amount at least equal to the state contribution rate for the employer

portion of the health insurance premium. For any participating entity that used the state payroll system, the employer contribution amount shall be equal to but not greater than the state contribution rate.

4 (3) The premiums may be paid by the policyholder:

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- 5 (a) Wholly from funds contributed by the employee, by payroll deduction or otherwise;
- Wholly from funds contributed by any department, board, agency, public postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government; or
  - (c) Partly from each, except that any premium due for health care coverage or dental coverage, if any, in excess of the premium amount contributed by any department, board, agency, postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government for any other health care coverage shall be paid by the employee.
  - (4) If an employee moves his or her place of residence or employment out of the service area of an insurer offering a managed health care plan, under which he or she has elected coverage, into either the service area of another managed health care plan or into an area of the Commonwealth not within a managed health care plan service area, the employee shall be given an option, at the time of the move or transfer, to change his or her coverage to another health benefit plan.
  - (5) No payment of premium by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall constitute compensation to an insured employee for the purposes of any statute fixing or limiting the compensation of such an employee. Any premium or other expense incurred by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local

1 government shall be considered a proper cost of administration.

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The policy or policies may contain the provisions with respect to the class or classes of employees covered, amounts of insurance or coverage for designated classes or groups of employees, policy options, terms of eligibility, and continuation of insurance or coverage after retirement.

- (7) Group rates under this section shall be made available to the disabled child of an employee regardless of the child's age if the entire premium for the disabled child's coverage is paid by the state employee. A child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits.
- 10 (8) The health care contract or contracts for employees shall be entered into for a period of not less than one (1) year.
  - The secretary shall appoint thirty-two (32) persons to an Advisory Committee of State Health Insurance Subscribers to advise the secretary or the secretary's designee regarding the state-sponsored health insurance program for employees. The secretary shall appoint, from a list of names submitted by appointing authorities, members representing school districts from each of the seven (7) Supreme Court districts, members representing state government from each of the seven (7) Supreme Court districts, two (2) members representing retirees under age sixty-five (65), one (1) member representing local health departments, two (2) members representing the Kentucky Teachers' Retirement System, and three (3) members at large. The secretary shall also appoint two (2) members from a list of five (5) names submitted by the Kentucky Education Association, two (2) members from a list of five (5) names submitted by the largest state employee organization of nonschool state employees, two (2) members from a list of five (5) names submitted by the Kentucky Association of Counties, two (2) members from a list of five (5) names submitted by the Kentucky League of Cities, and two (2) members from a list of names consisting of five (5) names submitted by each state employee

1		orga	nization that has two thousand (2,000) or more members on state payroll
2		dedu	action. The advisory committee shall be appointed in January of each year and
3		shall	meet quarterly.
4	(10)	Noty	withstanding any other provision of law to the contrary, the policy or policies
5		prov	ided to employees pursuant to this section shall not provide coverage for
6		obta	ining or performing an abortion, nor shall any state funds be used for the
7		purp	ose of obtaining or performing an abortion on behalf of employees or their
8		depe	endents.
9	(11)	Inter	ruption of an established treatment regime with maintenance drugs shall be
10		grou	nds for an insured to appeal a formulary change through the established appeal
11		proc	edures approved by the Department of Insurance, if the physician supervising
12		the t	reatment certifies that the change is not in the best interests of the patient.
13	(12)	Any	employee who is eligible for and elects to participate in the state health
14		insu	rance program as a retiree, or the spouse or beneficiary of a retiree, under any
15		one	(1) of the state-sponsored retirement systems shall not be eligible to receive the
16		state	health insurance contribution toward health care coverage as a result of any
17		othe	r employment for which there is a public employer contribution. This does not
18		prec	lude a retiree and an active employee spouse from using both contributions to
19		the e	extent needed for purchase of one (1) state sponsored health insurance policy
20		for t	hat plan year.
21	(13)	(a)	The policies of health insurance coverage procured under subsection (2) of
22			this section shall include a mail-order drug option for maintenance drugs for
23			state employees. Maintenance drugs may be dispensed by mail order in
24			accordance with Kentucky law.
25		(b)	A health insurer shall not discriminate against any retail pharmacy located
26			within the geographic coverage area of the health benefit plan and that meets

the terms and conditions for participation established by the insurer, including

price, dispensing fee, and copay requirements of a mail-order option. The retail pharmacy shall not be required to dispense by mail.

- 3 (c) The mail-order option shall not permit the dispensing of a controlled substance classified in Schedule II.
- The policy or policies provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining a hearing aid and acquiring hearing aid-related services for insured individuals under eighteen (18) years of age, subject to a cap of one thousand four hundred dollars (\$1,400) every thirty-six (36) months pursuant to KRS 304.17A-132.
- 10 (15) Any policy provided to state employees or their dependents pursuant to this section 11 shall provide coverage for the diagnosis and treatment of autism spectrum disorders 12 consistent with KRS 304.17A-142.
- 13 (16) Any policy provided to state employees or their dependents pursuant to this section 14 shall provide coverage for obtaining amino acid-based elemental formula pursuant 15 to KRS 304.17A-258.
  - (17) If a state employee's residence and place of employment are in the same county, and if the hospital located within that county does not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a contiguous county that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
  - (18) If a state employee's residence and place of employment are each located in counties in which the hospitals do not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a county contiguous to the county of residence that

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1		does	provide those services, and the state contribution for the plan shall be the
2			unt available in the county where the plan selected is located.
3	(19)		Personnel Cabinet is encouraged to study whether it is fair and reasonable and
4	(1)		he best interests of the state group to allow any carrier bidding to offer health
5			coverage under this section to submit bids that may vary county by county or
6		by la	arger geographic areas.
7	(20)	Noty	withstanding any other provision of this section, the bid for proposals for health
8		insu	rance coverage for calendar year 2004 shall include a bid scenario that reflects
9		the s	statewide rating structure provided in calendar year 2003 and a bid scenario that
10		allov	ws for a regional rating structure that allows carriers to submit bids that may
11		vary	by region for a given product offering as described in this subsection:
12		(a)	The regional rating bid scenario shall not include a request for bid on a
13			statewide option;
14		(b)	The Personnel Cabinet shall divide the state into geographical regions which
15			shall be the same as the partnership regions designated by the Department for
16			Medicaid Services for purposes of the Kentucky Health Care Partnership
17			Program established pursuant to 907 KAR 1:705;
18		(c)	The request for proposal shall require a carrier's bid to include every county
19			within the region or regions for which the bid is submitted and include but not
20			be restricted to a preferred provider organization (PPO) option;
21		(d)	If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the
22			carrier all of the counties included in its bid within the region. If the Personnel
23			Cabinet deems the bids submitted in accordance with this subsection to be in
24			the best interests of state employees in a region, the cabinet may award the
25			contract for that region to no more than two (2) carriers; and
26		(e)	Nothing in this subsection shall prohibit the Personnel Cabinet from including

other requirements or criteria in the request for proposal.

Any fully insured health benefit plan or self-insured plan issued or renewed on or after July 12, 2006, to public employees pursuant to this section which provides coverage for services rendered by a physician or osteopath duly licensed under KRS Chapter 311 that are within the scope of practice of an optometrist duly licensed under the provisions of KRS Chapter 320 shall provide the same payment of coverage to optometrists as allowed for those services rendered by physicians or osteopaths.

- 8 (22) Any fully insured health benefit plan or self-insured plan issued or renewed to 9 public employees pursuant to this section shall comply with:
- 10 (a) KRS 304.12-237;
- 11 (b) KRS 304.17A-270 and 304.17A-525;
- 12 (c) KRS 304.17A-600 to 304.17A-633;
- 13 (d) KRS 205.593;
- 14 (e) KRS 304.17A-700 to 304.17A-730;
- 15 (f) KRS 304.14-135;
- 16 (g) KRS 304.17A-580 and 304.17A-641;
- 17 (h) KRS 304.99-123;
- 18 (i) KRS 304.17A-138;
- 19 (j) KRS 304.17A-148;
- 20 (k) KRS 304.17A-163 and 304.17A-1631; and
- 21 (l) Administrative regulations promulgated pursuant to statutes listed in this subsection.
- 23 (23) A fully insured health benefit plan or self-insured plan issued or renewed to
- 24 <u>public employees pursuant to this section shall not reimburse or provide benefits</u>
- 25 or coverage for gender transition services as defined in Section 1 of this Act for
- 26 persons under the age of eighteen (18) years.
- → Section 9. KRS 454.210 is amended to read as follows:

1	(1)	As used in this section, "person" includes an individual, his or her executor,
2		administrator, or other personal representative, or a corporation, partnership,
3		association, or any other legal or commercial entity, who is a nonresident of this
4		Commonwealth.
5	(2)	[(a) ]A court may exercise personal jurisdiction over a person who is a party to a
6		civil action on any basis consistent with the Kentucky Constitution and the
7		Constitution of the United States, including but not limited to [acts directly or by
8		an agent, as to a claim arising from] the person's:
9		(a)[1.] Transacting any business in this Commonwealth;
10		$(\underline{b})[2.]$ Contracting to supply services or goods in this Commonwealth;
11		(c)[3.] Causing tortious injury by an act or omission in this Commonwealth;
12		$(\underline{d})$ [4.] Causing tortious injury in this Commonwealth by an act or omission.
13		including but not limited to designing, manufacturing or marketing
14		products, including product components, outside this Commonwealth,
15		which are used or consumed in this Commonwealth or regularly available
16		for purchase in this Commonwealth [outside this Commonwealth] if he or
17		<u>she</u> regularly does or solicits business, or engages in any other persistent
18		course of conduct, or derives substantial revenue from goods used or
19		consumed or services rendered in this Commonwealth, provided that the
20		tortious injury occurring in this Commonwealth arises out of the doing or
21		soliciting of business or a persistent course of conduct or derivation of
22		substantial revenue within the Commonwealth;
23		(e)[5.] Causing injury in this Commonwealth to any person by breach of
24		warranty expressly or impliedly made in the sale of goods outside this
25		Commonwealth when the seller knew such person would use, consume, or be
26		affected by, the goods in this Commonwealth, if he or she also regularly does
27		or solicits business, or engages in any other persistent course of conduct, or

1			derives substantial revenue from goods used or consumed or services rendered
2			in this Commonwealth;
3		<u>(f)</u> [6	Having an interest in, using, or possessing real property in this
4			Commonwealth, providing the claim arises from the interest in, use of, or
5			possession of the real property, provided, however, that such in personam
6			jurisdiction shall not be imposed on a nonresident who did not himself $\underline{\textit{or}}$
7			<u>herself</u> voluntarily institute the relationship, and did not knowingly perform,
8			or fail to perform, the act or acts upon which jurisdiction is predicated;
9		<u>(g)</u> [7	Contracting to insure any person, property, or risk located within this
10			Commonwealth at the time of contracting;
11		<u>(h)</u> [8	Committing sexual intercourse in this state which intercourse causes the
12			birth of a child when:
13			<u>1.[a.]</u> The father or mother or both are domiciled in this state;
14			2.[b.] There is a repeated pattern of intercourse between the father and mother
15			in this state; or
16			3.[c.] Said intercourse is a tort or a crime in this state; or
17		<u>(i)</u> [9	Making a telephone solicitation, as defined in KRS 367.46951, or a
18			charitable solicitation as defined in KRS 367.650 via telecommunication, into
19			the Commonwealth.
20		<del>[(b)</del>	When jurisdiction over a person is based solely upon this section, only a claim
21			arising from acts enumerated in this section may be asserted against him.]
22	(3)	(a)	When personal jurisdiction is authorized by this section, service of process
23			may be made:
24			1. In any manner authorized by the Kentucky Rules of Civil Procedure;
25			2. On such person, or any agent of such person, in any county in this
26			Commonwealth, where he <u>or she</u> may be found; or
27			3. On the Secretary of State who, for this purpose, shall be deemed to be

1 the statutory agent of <u>the[such]</u> person.

(b) The clerk of the court in which the action is brought shall issue a summons against the defendant named in the complaint. The clerk shall execute the summons either by:

- 1. Sending by certified mail two (2) true copies to the Secretary of State and shall also mail with the summons two (2) attested copies of plaintiff's complaint; or
- Transmitting an electronically attested copy of the complaint and summons to the Secretary of State via the Kentucky Court of Justice electronic filing system.
- (c) The Secretary of State shall, within seven (7) days of receipt thereof in his <u>or</u> <u>her</u> office, mail a copy of the summons and complaint to the defendant at the address given in the complaint. The letter shall be posted by certified mail, return receipt requested, and shall bear the return address of the Secretary of State. The clerk shall make the usual return to the court, and in addition the Secretary of State shall make a return to the court showing that the acts contemplated by this statute have been performed, and shall attach to his <u>or</u> <u>her</u> return the registry receipt, if any. Summons shall be deemed to be served on the return of the Secretary of State and the action shall proceed as provided in the Rules of Civil Procedure.
- (d) The clerk mailing the summons to the Secretary of State shall mail to him <u>or</u> <u>her</u>, at the same time, a fee of ten dollars (\$10), which shall be taxed as costs in the action. The fee for a summons transmitted electronically pursuant to this subsection shall be transmitted to the Secretary of State on a periodic basis.
- (4) When the exercise of personal jurisdiction is authorized by this section, any action or suit may be brought in the county wherein the plaintiff resides or where the cause

1 of action or any part thereof ar	ose.
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- 2 (5) A court of this Commonwealth may exercise jurisdiction on any other basis
- authorized in the Kentucky Revised Statutes or by the Rules of Civil Procedure,
- 4 notwithstanding this section.
- 5 → Section 10. KRS 141.039 is amended to read as follows:
- 6 In the case of corporations:
- 7 (1) Gross income shall be calculated by adjusting federal gross income as defined in
- 8 Section 61 of the Internal Revenue Code as follows:
- 9 (a) Exclude income that is exempt from state taxation by the Kentucky
- 10 Constitution and the Constitution and statutory laws of the United States;
- 11 (b) Exclude all dividend income;
- 12 (c) Include interest income derived from obligations of sister states and political
- subdivisions thereof;
- 14 (d) Exclude fifty percent (50%) of gross income derived from any disposal of
- 15 coal covered by Section 631(c) of the Internal Revenue Code if the
- 16 corporation does not claim any deduction for percentage depletion, or for
- expenditures attributable to the making and administering of the contract
- 18 under which such disposition occurs or to the preservation of the economic
- interests retained under such contract;
- 20 (e) Include the amount calculated under KRS 141.205;
- 21 (f) Ignore the provisions of Section 281 of the Internal Revenue Code in
- computing gross income;
- 23 (g) Include the amount of deprecation deduction calculated under 26 U.S.C. sec.
- 24 167 or 168; and
- 25 (h) Allow the same treatment allowed under Pub. L. No. 116-260, secs. 276 and
- 26 278, related to the tax treatment of forgiven covered loans, deductions
- attributable to those loans, and tax attributes associated with those loans for

1			taxable y	ears ending on or after March 27, 2020, but before January 1, 2022;
2			and	
3	(2)	Net	income sha	all be calculated by:
4		<u>(a)</u>	Subtracti	ng from gross income:
5			<u>1.[(a)]</u>	The deduction for depreciation allowed by KRS 141.0101;
6			<u>2.[(b)]</u>	Any amount paid for vouchers or similar instruments that provide
7			hea	Ith insurance coverage to employees or their families;
8			<u>3.[(c)]</u>	All the deductions from gross income allowed corporations by
9			Cha	apter 1 of the Internal Revenue Code, as modified by KRS 141.0101,
10			exc	ept:
11			<u>a.</u> [1	.] Any deduction for a state tax which is computed, in whole or in
12				part, by reference to gross or net income and which is paid or
13				accrued to any state of the United States, the District of Columbia,
14				the Commonwealth of Puerto Rico, any territory or possession of
15				the United States, or to any foreign country or political subdivision
16				thereof;
17			<u>b.</u> [2	The deductions contained in Sections 243, 245, and 247 of the
18				Internal Revenue Code;
19			<u>c.[3</u>	.] The provisions of Section 281 of the Internal Revenue Code shall
20				be ignored in computing net income;
21			<u>d.</u> [4	Any deduction directly or indirectly allocable to income which is
22				either exempt from taxation or otherwise not taxed under the
23				provisions of this chapter, except for deductions allowed under
24				Pub. L. No. 116-260, secs. 276 and 278, related to the tax
25				treatment of forgiven covered loans and deductions attributable to
26				those loans for taxable years ending on or after March 27, 2020,
27				but before January 1, 2022, and nothing in this chapter shall be

I	construed to permit the same item to be deducted more than once;
2	e.[5.] Any deduction for amounts paid to any club, organization, or
3	establishment which has been determined by the courts or an
4	agency established by the General Assembly and charged with
5	enforcing the civil rights laws of the Commonwealth, not to afford
6	full and equal membership and full and equal enjoyment of its
7	goods, services, facilities, privileges, advantages, or
8	accommodations to any person because of race, color, religion,
9	national origin, or sex, except nothing shall be construed to deny a
10	deduction for amounts paid to any religious or denominational
11	club, group, or establishment, or any organization operated solely
12	for charitable or educational purposes which restricts membership
13	to persons of the same religion or denomination in order to
14	promote the religious principles for which it is established and
15	maintained;
16	<u>£</u> [6.] Any deduction prohibited by KRS 141.205; and
17	g.[7.] Any dividends-paid deduction of any captive real estate
18	investment trust; [ and]
19	4. a.[(d)1.] A deferred tax deduction in an amount computed in
20	accordance with this subparagraph [paragraph].
21	<u><b>b.</b>[2.]</u> For purposes of this <u>subparagraph</u> [paragraph]:
22	<u>i.[a.]</u> "Net deferred tax asset" means that deferred tax assets
23	exceed the deferred tax liabilities of the combined group, as
24	computed in accordance with accounting principles generally
25	accepted in the United States of America; and
26	<u>ii.</u> [b.]"Net deferred tax liability" means deferred tax liabilities that
27	exceed the deferred tax assets of a combined group as

1	defined in KRS 141.202, as computed in accordance with
2	accounting principles generally accepted in the United States
3	of America.
4	$\underline{c.[3.]}$ Only publicly traded companies, including affiliated corporations
5	participating in the filing of a publicly traded company's financial
6	statements prepared in accordance with accounting principles
7	generally accepted in the United States of America, as of January
8	1, 2019, shall be eligible for this deduction.
9	$\underline{d}$ .[4.] If the provisions of KRS 141.202 result in an aggregate increase to
10	the member's net deferred tax liability, an aggregate decrease to
11	the member's net deferred tax asset, or an aggregate change from a
12	net deferred tax asset to a net deferred tax liability, the combined
13	group shall be entitled to a deduction, as determined in this
14	paragraph.
15	$\underline{e.}$ [5.] For ten (10) years beginning with the combined group's first
16	taxable year beginning on or after January 1, 2024, a combined
17	group shall be entitled to a deduction from the combined group's
18	entire net income equal to one-tenth (1/10) of the amount
19	necessary to offset the increase in the net deferred tax liability,
20	decrease in the net deferred tax asset, or aggregate change from a
21	net deferred tax asset to a net deferred tax liability. The increase in
22	the net deferred tax liability, decrease in the net deferred tax asset,
23	or the aggregate change from a net deferred tax asset to a net
24	deferred tax liability shall be computed based on the change that
25	would result from the imposition of the combined reporting
26	requirement under KRS 141.202, but for the deduction provided
27	under this subparagraph[paragraph] as of June 27, 2019.

1	$\underline{L}_{[0.]}$ The deterred tax impact determined in <u>subatvision</u>
2	<u>e.[subparagraph 5.]</u> of this <u>subparagraph</u> [paragraph] shall be
3	converted to the annual deferred tax deduction amount, as follows:
4	<u>i.[a.]</u> The deferred tax impact determined in subparagraph 5. of
5	this paragraph shall be divided by the tax rate determined
6	under KRS 141.040;
7	<u>ii.[b.]</u> The resulting amount shall be further divided by the
8	apportionment factor determined by KRS 141.120 or
9	141.121 that was used by the combined group in the
10	calculation of the deferred tax assets and deferred tax
11	liabilities as described in subdivision e. [subparagraph 5.] of
12	this subparagraph[paragraph]; and
13	iii[e.] The resulting amount represents the total net deferred tax
14	deduction available over the ten (10) year period as
15	described in subparagraph 5. of this paragraph.
16	g.[7.] The deduction calculated under this $subdivision[paragraph]$ shall
17	not be adjusted as a result of any events happening subsequent to
18	the calculation, including but not limited to any disposition or
19	abandonment of assets. The deduction shall be calculated without
20	regard to the federal tax effect and shall not alter the tax basis of
21	any asset. If the deduction under this section is greater than the
22	combined group's entire Kentucky net income, any excess
23	deduction shall be carried forward and applied as a deduction to
24	the combined group's entire net income in future taxable years
25	until fully utilized.
26	<u>h.[8.]</u> Any combined group intending to claim a deduction under this
27	subdivision[paragraph] shall file a statement with the department

1		on or before July 1, 2019. The statement shall specify the total
2		amount of the deduction which the combined group claims on the
3		form, including calculations and other information supporting the
4		total amounts of the deduction as required by the department. No
5		deduction shall be allowed under this <u>subdivision</u> [paragraph] for
6		any taxable year, except to the extent claimed on the timely filed
7		statement in accordance with this subdivision [paragraph]: and
8		(b) Adding to gross income any deduction directly or indirectly related to the
9		provision of gender transition services as defined in Section 1 of this Act for
10		a person under the age of eighteen (18) years.
11		→ Section 11. KRS 213.121 is amended to read as follows:
12	(1)	A certificate or report registered under this chapter may be amended only in
13		accordance with this section and administrative regulations adopted by the cabinet
14		to protect the integrity and accuracy of vital records.
15	(2)	A certificate or report that is amended under this section shall be marked
16		"amended," except as otherwise provided in this section. The date of amendment
17		and a summary description of the evidence submitted in support of the amendment
18		shall be endorsed on or made a part of the record. The cabinet shall prescribe by
19		administrative regulation the conditions under which additions or minor corrections
20		may be made to certificates or records within one (1) year after the date of the event
21		without the certificate or record being marked "amended."
22	(3)	Upon written request of both parents and receipts of a sworn acknowledgment of
23		paternity signed by both parents of a child born to an unmarried woman, the state
24		registrar shall amend the certificate of birth to show the paternity, if paternity is not
25		already shown on the certificate of birth. The certificate shall not be marked
26		"amended."
27	(4)	Upon receipt of a certified copy of an order of a court changing the name of a

1 person born in the Commonwealth and upon request of the person or the person's 2 parents, guardian, or legal representative, the state registrar shall amend the 3 certificate of birth to show the new name. 4 (5)Upon receipt of a sworn statement by a licensed physician indicating that the gender of an individual born in the Commonwealth has been changed by surgical 5 procedure and a certified copy of an order of a court of competent jurisdiction 6 changing that individual's name, the certificate of birth of the individual shall be 7 8 amended as prescribed by regulation to reflect the change. 9 **(6)** Notwithstanding subsections (4) and (5) of this section, a certificate or report 10 registered under this chapter shall not be amended if the purpose is to assist a 11 person under the age of eighteen (18) years with a gender transition as defined in 12 Section 1 of this Act. 13 → Section 12. KRS 401.020 is amended to read as follows: 14 Both parents, provided both are living, or one (1) parent if one (1) is deceased, or if **(1)** 15 no parent is living, the guardian, may have the name of a child under the age of 16 eighteen (18) changed by the District Court, or if the Family Court or Circuit Court 17 has a case before it involving the family, the Family Court of a county with a Family Court, or the Circuit Court of a county without a Family Court of the county 18 19 in which the child resides. However, if one (1) parent refuses or is unavailable to 20 execute the petition, proper notice of filing the petition shall be served in 21 accordance with the Rules of Civil Procedure. If the child resides on a United States 22 Army post, military reservation, or fort, his or her name may be changed by the 23 District Court, or the Family Court of a county with a Family Court, or the Circuit 24 Court of a county without a Family Court of any county adjacent thereto. A name change under subsection (1) of this section shall not be approved by any 25 *(2)* 

court if the court finds that the purpose of the requested name change is to assist

a person under the age of eighteen (18) years with a gender transition as defined

26

1	in Section 1 of this Act.
2	→ SECTION 13. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO
3	READ AS FOLLOWS:
4	(1) Any classification of the sex of any person under the age of eighteen (18) years
5	under KRS Chapters 600 to 645 shall be the person's sex as defined in Section 1
6	of this Act.
7	(2) The Department of Juvenile Justice shall not classify the sex of any detained
8	person under the age of eighteen (18) years to be a sex that is inconsistent with
9	his or her sex as defined in Section 1 of this Act.
10	→ SECTION 14. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
11	READ AS FOLLOWS:
12	(1) As used in this section:
13	(a) "External health care provider" means a provider of health or mental
14	health services that is not employed by or contracted with the school district
15	to provide services to the district's students;
16	(b) "Health services" has the same meaning as in KRS 156.502;
17	(c) "Mental health services" means services provided by a school-based mental
18	health services provider as defined in KRS 158.4416 but shall not include
19	academic or career counseling; and
20	(d) "Parent" means a person who has legal custody or control of the student
21	such as a mother, father, or guardian.
22	(2) Upon a student's enrollment and at the beginning of each school year, the district
23	shall provide a notification to the student's parents listing each of the health
24	services and mental health services related to human sexuality, contraception, or
25	family planning available at the student's school and of the parents' right to
26	withhold consent or decline any of those specific services. A parent's consent to a
2.7	health service or mental health service under this subsection shall not waive the

1		parent's right to access the student's educational or health records held by the
2		district or the notifications required under subsection (3) of this section.
3	<u>(3)</u>	Except as provided in subsection (5) of this section, as part of a school district's
4		effort to provide a safe and supportive learning environment for students, a
5		school shall notify a student's parents if:
6		(a) The school changes the health services or mental health services related to
7		human sexuality, contraception, or family planning provided to the student,
8		at which point the school shall obtain parental consent prior to treatment;
9		<u>or</u>
10		(b) School personnel make a referral:
11		1. For the student to receive a school's health services or mental health
12		services; or
13		2. To an external health care provider, for which parental consent shall
14		be obtained prior to the referral being made.
15	<u>(4)</u>	School districts and district personnel shall respect the rights of parents to make
16		decisions regarding the upbringing and control of the student through
17		procedures encouraging students to discuss mental or physical health or life
18		issues with their parents or through facilitating the discussion with their parents.
19	<u>(5)</u>	(a) The Kentucky Board of Education or the Kentucky Department of
20		Education shall not require or recommend that a local school district keep
21		any student information confidential from a student's parents. A district or
22		school shall not adopt policies or procedures with the intent of keeping any
23		student information confidential from parents.
24		(b) The Kentucky Board of Education or the Kentucky Department of
25		Education shall not require or recommend policies or procedures for the
26		use of pronouns that do not conform to a student's biological sex as
27		indicated on the student's original, unedited birth certificate issued at the

1	time of birth pursuant to KRS $156.070(2)(g)2$ .
2	(c) A local school district shall not require school personnel or students to use
3	pronouns for students that do not conform to that particular student's
4	biological sex as referenced in paragraph (b) of this subsection.
5	(d) Nothing in this subsection shall prohibit a school district or district
6	personnel from withholding information from a parent if a reasonably
7	prudent person would believe, based on previous conduct and history, that
8	the disclosure would result in the child becoming a dependent child or an
9	abused or neglected child as defined in KRS 600.020. The fact that district
10	personnel withhold information from a parent under this subsection shall
11	not in itself constitute evidence of failure to report dependency, neglect, or
12	abuse to the Cabinet for Health and Family Services under KRS 620.030.
13	(6) Prior to a well-being questionnaire or assessment, or a health screening form
14	being given to a child for research purposes, a school district shall provide the
15	student's parent with access to review the material and shall obtain parental
16	consent. Parental consent shall not be a general consent to these assessments or
17	forms but shall be required for each assessment or form. A parent's refusal to
18	consent shall not be an indicator of having a belief regarding the topic of the
19	assessment or form.
20	(7) Nothing in this section shall:
21	(a) Prohibit a school district or the district's personnel from seeking or
22	providing emergency medical or mental health services for a student as
23	outlined in the district's policies; or
24	(b) Remove the duty to report pursuant to KRS 620.030 if district personnel has
25	reasonable cause to believe the child is a dependent child or an abused or
26	neglected child due to the risk of physical or emotional injury identified in
27	KRS 600 020(1)(a)2, or as otherwise provided in that statute.

1		→ Section 15. KRS 158.1415 is amended to read as follows:
2	<u>(1)</u>	If a school council or, if none exists, the principal adopts a curriculum for human
3		sexuality or sexually transmitted diseases, instruction shall include but not be
4		limited to the following content:
5		(a) [(1)] Abstinence from sexual activity is the desirable goal for all school-age
6		children;
7		(b) [(2)] Abstinence from sexual activity is the only certain way to avoid
8		unintended pregnancy, sexually transmitted diseases, and other associated
9		health problems; [and]
10		(c)[(3)] The best way to avoid sexually transmitted diseases and other associated
11		health problems is to establish a permanent mutually faithful monogamous
12		relationship;
13		(d) A policy to respect parental rights by ensuring that:
14		1. Children in grade five (5) and below do not receive any instruction
15		through curriculum or programs on human sexuality or sexually
16		transmitted diseases; or
17		2. Any child, regardless of grade level, enrolled in the district does not
18		receive any instruction or presentation that has a goal or purpose of
19		students studying or exploring gender identity, gender expression, or
20		sexual orientation; and
21		(e) A policy to notify a parent in advance and obtain the parent's written
22		consent before the parent's child in grade six (6) or above receives any
23		instruction through curriculum or programs on human sexuality or
24		sexually transmitted diseases authorized in this section.
25	<u>(2)</u>	Any course, curriculum, or program offered by a public school on the subject of
26		human sexuality provided by school personnel or by third parties authorized by
27		the school shall:

1	(a) Provide an alternative course, curriculum, or program without any penalty
2	to the student's grade or standing for students whose parents' have not
3	provided written consent as requires in subsection (1)(e) of this section;
4	(b) Be subject to an inspection by parents of participating students that allows
5	parents to review the following materials:
6	1. Curriculum;
7	2. Instructional materials;
8	3. Lesson plans;
9	4. Assessments or tests;
10	5. Surveys or questionnaires;
11	6. Assignments; and
12	7. Instructional activities;
13	(c) Be developmentally appropriate; and
14	(d) Be limited to a curriculum that has been subject to the reasonable review
15	and response by stakeholders in conformity with this subsection and KRS
16	<u>160.345(2).</u>
17	(3) A public school offering any course, curriculum, or program on the subject of
18	human sexuality shall provide written notification to the parents of a student at
19	least two (2) weeks prior to the student's planned participation in the course,
20	curriculum, or program. The written notification shall:
21	(a) Inform the parents of the provisions of subsection (2) of this section;
22	(b) Provide the date the course, curriculum, or program is scheduled to begin;
23	(c) Detail the process for a parent to review the materials outlined in subsection
24	(2) of this section;
25	(d) Explain the process for a parent to provide written consent for the student's
26	participation in the course, curriculum, or program; and
27	(e) Provide the contact information for the teacher or instructor of the course,

1	curriculum, or program and a school administrator designated with
2	oversight.
3	(4) Nothing in this section shall prohibit school personnel from:
4	(a) Discussing human sexuality, including the sexuality of any historic person
5	group, or public figure, where the discussion provides necessary context in
6	relation to a topic of instruction from a curriculum approved pursuant to
7	<u>KRS 160.345; or</u>
8	(b) Responding to a question from a student during class regarding human
9	sexuality as it relates to a topic of instruction from a curriculum approved
10	pursuant to KRS 160.345.
11	→SECTION 16. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
12	READ AS FOLLOWS:
13	(1) As used in this section:
14	(a) "Biological sex" means the physical condition of being male or female
15	which is determined by a person's chromosomes, and is identified at birth by
16	a person's anatomy; and
17	(b) "School" means a school under the control of a local board of education or
18	a charter school board of directors.
19	(2) The General Assembly finds that:
20	(a) School personnel have a duty to protect the dignity, health, welfare, and
21	privacy rights of students in their care;
22	(b) Children and young adults have natural and normal concerns about privacy
23	while in various states of undress, and most wish for members of the
24	opposite biological sex not to be present in those circumstances;
25	(c) Allowing students to use restrooms, locker rooms, or shower rooms that are
26	reserved for students of a different biological sex:
27	1. Will create a significant potential for disruption of school activities

1	and unsafe conditions; and
2	2. Will create potential embarrassment, shame, and psychological injury
3	to students;
4	(d) Parents have a reasonable expectation that schools will not allow minor
5	children to be viewed in various states of undress by members of the
6	opposite biological sex, nor allow minor children to view members of the
7	opposite sex in various states of undress; and
8	(e) Schools have a duty to respect and protect the privacy rights of students,
9	including the right not to be compelled to undress or be unclothed in the
10	presence of members of the opposite biological sex.
11	(3) Each local board of education or charter school board of directors shall, after
12	allowing public comment on the issue at an open meeting, adopt policies
13	necessary to protect the privacy rights outlined in subsection (2) of this section
14	and enforce this subsection.
15	→ Section 17. If any provision of this Act or the application thereof to any person
16	or circumstance is held invalid, the invalidity shall not affect the other provisions or
17	applications of the Act that can be given effect without the invalid provision or
18	application, and to this end the provisions of this Act are severable.
19	→ Section 18. Sections 1 to 12 of this Act may be cited as the Do No Harm Act.
20	→ Section 19. Whereas situations currently exist in which the privacy rights of
21	students are violated, an emergency is declared to exist, and Sections 13 to 16 of this Act
22	take effect upon passage and approval by the Governor or upon its otherwise becoming a
23	law.